QUID NOVI

Journal des étudiant-e-s en droit de l'université McGill

> McGill Law's Weekly Student Newspaper

Volume 33, nº20 3 avril 2012 | April 3rd 2012



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QUID NOVI

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WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de l'auteur, son année d'étude ainsi qu'un titre pour l'article. L'article ne sera publiée qu'à la discrétion du comité de rédaction, qui

basera sa décision sur la politique de rédaction.

Contributions should preferably be submitted as a .doc attachment (and not, for instance, a ".docx").

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Co-Editor in Chief



LOOKING BACK, GOING FORWARD

What a year.

Yes, dear readers, it's the last issue of the Quid Novi for 2011-2012. By the time you read this, we'll already be in the final sprint towards paper deadlines, exams, and — finally — summer. Some will go home, some will start a summer job, others will graduate and (re)enter "the real world". But for now, let's take a look back on the past eight months in all things Quid Novi.

STRIKES, HIKES — YIKES!

It's safe to say this past year was a contentious one, and the Quid was no stranger to controversy. From the day we were back until the end of the fall semester, the MUNACA strike made headlines. It gave rise to impassioned debates in our pages, prompting opinions from students, employees and even the Dean.

From issues close to home - the place of non-law students in the library - to questions relevant to society at large - the Quebec government's announced tuition hikes, the political climate in Ottawa - you had an opinion and we published it.

I will say one thing about the debates that unfolded in our pages: I wish they had been less confrontational. As law students, we are taught in terms of X v. Y, encouraged to "win" and ready to lash out. We sometimes forget the power of words, especially when they are printed to the tune of 300 copies and distributed to our peers and professors. We sometimes forget that behind the name in the round bubble is a student who faces the same daily challenges that we do. Alternative dispute resolution isn't just about arbitration clauses; it's also about sitting down face-to-face and understanding other people.

Finally, we had the privilege to honour Alexandra Dodger with a special issue that celebrated her time with us and her inspiring life. We hope that it will always be a testament to the special person she was.

MISSION ACCOMPLIE

Nous rédacteur(trices) en chef avions des objectifs en acceptant le mandat de publier ce journal. Dans

l'ensemble, je crois que nous sommes satisfaits de notre travail.

Primo: nous voulions plus de contenu en français. Sans atteindre la parité linguistique - et ce n'est pas nécessaire - le Quid a eu une voix bilingue cette année. Non seulement avons-nous écrit plusieurs éditoriaux dans la langue de Molière, vous avez répondu à l'appel en contribuant en français. Continuons sur cette lancée.

Segundo: nous voulions plus de contenu littéraire. Ici aussi, nous sommes très heureux du nombre de poèmes que vous nous avez envoyés. Autre surprise: ils était presque tous en français. L'anglais pour les sujets sérieux, le français pour la littérature? À voir.

Finalement, sans que ça soit un de nos objectifs, nous sommes heureux de pouvoir dire que nous n'avons jamais manqué de contenu au point de ne pas pouvoir publier un numéro. Le Quid dépend entièrement de vous, les étudiants qui contribuent, alors vous méritez nos félicitations. N'arrêtez pas.

MILLES MERCI

Voici ma chance de remercier tous ceux qui rendent possible la publication de ce journal.

To our associate reviewers, thank you for correcting articles in the Thursday evening/Friday morning post-Coffeehouse haze. À nos metteurs en page, merci de vos vendredi soirs passés à NCDH avec du Subway de la rue Stanley. À notre webmaster, merci de ton efficacité redoutable. To our staff writers, thank you for reassuring us that we will have quality content week after week. P.S. David Groves, you are a star. P.P.S. Bev, will you marry me?

À l'AÉD, pour vous collaboration inestimable, merci. À Copie Nova, pour votre service impeccable et votre bonne humeur, merci. To everyone who came up to me and said, "The Quid was really good this week!", thank you. To those who sent us fan mail or greedily grabbed a fresh Quid from a box, thank you.

To everyone who missed the deadline... I still like you.

(continued on page 22)

PREETI
DHALIWAL &
GARRETT
ZEHR

MCGILL LAW, UN VÉHICULE POUR LE CHANGEMENT SOCIAL OU POUR LA PRO-MOTION DES "CORPORATE INTERESTS"?

Extra, extra, read all about it, Business Associations is becoming mandatory.

There's barely a doubt left about it!

Translations by Jean-Philippe Mackay

On présente souvent la Faculté de droit de McGill comme étant une institution qui se situe à l'avant-garde des luttes pour la promotion de la justice sociale et des droits humains. En effet, plusieurs d'entre nous avons écrit dans nos lettres de motivation que ces thématiques étaient des sources de nos intérêts personnels, académiques et professionnels. Bien entendu, il y a une certaine vérité à ceci : notre faculté produit des recherches d'une exceptionnelle qualité, l'offre de cours et de conférences y est riche et variée, les professeur-e-s sont dévoué-e-s et fort compétent-e-s et plusieurs de nos collègues étudiant-e-s oeuvrent directement à la promotion de la justice sociale et à la défense des droits et libertés au sein de leur communauté.

Lately, however, there have been some articles in the Quid questioning the Faculty's commitment to public interest law, including an editorial about the focus of the CDO and Bill Shipley's two-part series on the socialization of the legal profession. We would like to add to this discussion by exploring the recent decision by Faculty Council to make Business Associations a mandatory course in the curriculum. How does this new requirement impact the culture of McGill Law? What were the other options? Was a mandatory BA course inevitable? Perhaps we can't change the decision to make BA mandatory, but we should have a discussion about how it impacts current students, the culture of our Faculty and the autonomy of our curriculum. Our intention in writing this article is thus to reflect on what this new requirement means, to advocate for more consultation with the student body when future curriculum changes occur, and to explore possible options moving forward.

Les faits

Tout d'abord, il est important de parler des faits et de l'interprétation de ceux-ci. La Fédération des ordres professionnels de juristes du Canada (Federation of Law Societies of Canada - FLSC) a publié un rapport en octobre 2009 selon lequel les étudiant-e-s devront obligatoirement acquérir certaines compétences afin de pouvoir être admis-e-s dans l'un des barreaux des provinces de common law. En vertu de ces nouvelles exigences, les diplômé-e-s devront comprendre les « principles of Canadian administrative law » ainsi que les « legal and fiduciary relationships in a commercial context, including corporate governance »¹. Les facultés de droit canadiennes demeurent cependant libres de modifier leur programme comme bon leur semble afin de se soumettre à ces lignes directrices. Pour sa part, notre faculté, afin de répondre à ces nouvelles exigences, a pris la décision de rendre obligatoire l'un des cours de droit administratif actuellement offerts à la faculté et de rendre le cours de droit des affaires (Business Associations) obligatoire pour toutes et tous les étudiant-e-s.

Interpretation of the Facts and Alternative Options

Could the FLSC's recommendations have been interpreted and applied differently? If the main concern is for students to learn about fiduciary duties, this could be incorporated into an existing class, such as Advanced Common Law Obligations. Alternatively, similar to the Admin Pro implementation, the Faculty could offer a basket of courses from which students could choose. The basket option, which could offer a course such as Non-Profits alongside BA, would at least leave students with a meaningful choice about what path they want their education to take. Even if the majority of students already take BA, as has been noted, we encourage the Faculty to leave students with more autonomy in framing their education.

Yet another, and perhaps the most easily implemented option, would be to broaden BA so that it appeals to a wider group of students. The course could be renamed "Associations" and cover the corporation as well as non-profits, charities and cooperatives. BA doesn't have to be a corporate law course, even though it tends to be so in practice.

The Effects: on Students and Faculty and the Culture of McGill

The impact of this new requirement is not yet entirely clear. It is possible that 1Ls as well as incoming students will be affected. At the moment, the Faculty is still dis-

cussing when these changes will take place and whether students graduating in 2015 (current 1Ls) will have to take BA. It appears that incoming students (those who are currently accepting their admissions offers) will have to take it. We encourage the Administration to include all students in the discussion as to who will be affected and to notify incoming students of the change a soon as possible. All students deserve to know what they are signing up for.

We note that making more courses mandatory means that there are fewer professors to teach specialty courses in the areas of their expertise. As renowned Osgoode Law Professor Harry Arthurs highlighted, the new requirements take resources from other innovative fields of research and study.² It's interesting that upon the FLSC's recommendation, the Faculty is willing to find professors to teach classes such as BA but upon expressed interest of the student body, does not find the resources for classes such as Sexual Assault Law or Critical Race Theory, which have to be organized by students (who then have to pay to take the course).

Is this indicative of what the Faculty deems to be important, of whose voice is deemed worthy and whose is not? Professor Constance Backhouse from the University of Ottawa is similarly concerned with the "business bent" of the FLSC's recommendation, highlighting that "some law schools currently teach courses on access to justice, critical race theory, disability law, feminist legal issues [and] poverty law" but "[n]one of these issues made it onto the list of mandatory competencies." She adds that, "[t]he social justice courses, currently taught as electives with small enrolments, will see their numbers decline even further as law students fill their timetables with the federation's mandatory competencies."3 We encourage the Faculty to reflect on what is being privileged in the curriculum, as well as how this will impact the autonomy of students and the choices available to them.

We are not saying that BA is a redundant course or that it shouldn't be offered. Whether you're headed into corporate law or concerned with challenging the corporation and its role in our society, BA is a useful area of law to study. What we are concerned with is the lack of discussion around the decision to make BA mandatory, how it is being integrated into the curriculum and the limited scope that the course currently has.

The Autonomy of our Faculty

Even if you think making BA mandatory is a positive

change, we should consider the impact of allowing an external body (the FLSC) to shape the culture of our Faculty. What does this mean for the autonomy of our Faculty and what McGill Law stands for? Are we concerned with teaching students how to think and develop a set of analytical skills or are we more concerned with ensuring that students meet an externally imposed standard? Arthurs argues that the FLSC overlooks the one indispensable "competency" for all lawyers: "The ability to handle unfamiliar problems, to build one's own conceptual vocabulary and repertoire of skills — legal or not — and to re-educate oneself repeatedly over the course of one's career." We fear that the FLSC's recommendations are intrusive and detract from both the autonomy and the reputation of our Faculty.

En conséquence, nous observons un glissement dans la culture institutionnelle de la Faculté de droit de McGill. Plusieurs d'entre nous y sont venus avec une vision de cette culture quelque peu différente de ce que la réalité nous offre. Nous considérons important que les étudiante-es soulèvent leurs préoccupations et inquiétudes relativement aux changements qui s'opèrent dans notre Faculté et cet article s'inscrit dans cette logique. Il est essentiel que les étudiant-e-s se questionnent et prennent position par rapport aux enjeux académiques et pédagogiques des demandes et exigences du secteur privé véhiculées par la FCLS.

Malgré le fait que le cours *Business Associations* sera désormais obligatoire, nous sommes heureux et heureuses de constater que le *Curriculum Committee* a laissé la porte ouverte pour considérer d'autres options dans le futur. Nous espérons que cet article mènera à l'ouverture d'un dialogue entre les étudiant-e-s et la faculté sur le processus de modification du programme et la mise en oeuvre des mesures qui en découlent. Cet espace de dialogue permettra également de faire émerger une vision commune de la culture institutionnelle de notre Faculté, une culture qui, nous le croyons, doit représenter réellement les aspirations et les valeurs de ses membres.

^{1.}http://www.flsc.ca/_documents/Common-Law-Degree-Report-C(1).pdf (the report is also available in French on the FLSC's website).

^{2.}http://www.cba.org/cba/practicelink/careerbuilders_students/PrintHTML.aspx?DocId=46210.

^{3.} Ibid.

^{4.} Ibid.

MIATTA GORVIE

At his town hall meeting with second year students on March 26th, I asked Dean Jutras for his thoughts on what I perceive as a disjuncture between the liberal academic vision of the faculty and the circumscribed range of professional options that the faculty ultimately presents to students. Professor Jutras gave my question a very thoughtful response, explaining to the group that the tension between the academy and the profession is a perennial concern of law faculties across the nation, and that perhaps at McGill the gulf between the two worlds seems particularly large. Among other insights, he cited the oft-repeated fact that large business firms have the advantage of established institutional channels and large budgets for recruitment. He followed this statement with something I had never contemplated - that in fact, the faculty is not responsible for the most prominent and frequent presence of the big firms on campus. Sponsored coffeehouse, live from the atrium Thursday evenings, is a student-led affair.

By way of explaining my response to this charge, allow me to present a text message that I received right after the meeting from a friend who was in attendance. It read: "i almost laughed out loud when the dean asked you 'well should we cancel coffeehouse?" If SMSs could be formatted, the "you" would have been bolded or italicized. You see, I love sponsored coffeehouse. It's a big part of what gets me on the plane back to law school after Christmas break. While I don't see myself working in their field, and have and will again work for law firms that oppose their clients, I am more than happy to let Big Law buy me a drink or two. All afternoon I eagerly anticipate what hors-d'oeuvres will be served (did you try those pestoboccoccini-tomato test tubes?), if there will be any drinks other than the standard red and white wine (red bull vodkas?

COFFEEHOUSE: IT'S COMPLICATED

Thanks, Gowlings!), or any free iPod speakers being handed out (thanks again, Gowlings! Je te veux.). Many of my most memorable nights in law school have started with the intention of having "just one drink" before returning to the library, before finding myself miles away from home and unable to make it to Friday class.

The Dean doesn't know my name, face, or Thursday drinking habits, but I felt I had been called out directly. It was a challenge! As I headed home after the town hall with some friends, I turned to them and said, "Guys, next year we have to bring a motion to get rid of sponsored coffeehouse." My plea was met with the same incredulity as the aforementioned text message; I was an unlikely champion for the abolishment of this particular tradition. I explained to them that while I love the free wine, I have no principled basis to support sponsored coffeehouse. I agreed with the Dean, it is our choice to give these firms such access in the faculty. I recalled one Thursday night this semester when my father called from Winnipeg to ask about news reports of student protesters being beaten by riot cops on the lower campus. I had been at coffeehouse. A literal champagne socialist!

While my friends agreed to varying degrees on the disproportionately large presence corporate law firms at the faculty, their responses can briefly be summarized as follows: "that will never happen"; "the LSA makes a lot of money from it"; and "but it's fun!" These answers were unsatisfying and I maintained that I finally had one tangible way to try to counter some of the mainstreaming nature of law school. "Even U of T doesn't have coffeehouse!" I cried, thinking that this would definitely shut the argument down. As we continued to discuss, one friend, who has begun to consider working in a large firm, said that her biggest

pressure to do so is not from these recruiters but from her friends who are going that route. Another asked me, "don't you think that most students enjoy coffeehouse for the same reasons that you do?"

Then, I thought back to my first sponsored coffeehouse last year, where I felt so awkward enjoying the wine and cheese with my pals while ignoring the representatives from the firms. Despite the fact that I had no interest in the work of the firm, I attempted to make conversation with one of its lawyers and peppered him with so many questions, for so long, that he actually excused himself from the exchange. That was the moment I began to understand the particular "thing" that is sponsored coffeehouse.

I still cringe every time one of the delegates from the firms goes up on stage to make his spiel and the crowd won't quiet down, but it illustrates the way that coffeehouse has been reappropriated by the student body. Some attendees are outright hostile to the firms but most are simply indifferent; they consider corporate sponsorship in exchange for a free party as more than fair. My casting this story as a tension between the big bad corporate law firms and the co-opted students did not duly acknowledge its nuance. I should have appreciated my colleague' shrewdness and agency and the possibility that the firms themselves might actually be aware that advertising at our Faculty on Thursdays might provide a relatively low return on investment. If you will paint me as a coffeehouse apologist, I will bear that charge. While I generally gravitate to individuals of shared interest and viewpoint, on wintery Thursdays I relish in the opportunity to commune over free food and drink with all of my classmates, from the suits to the hippies. The firms may pay for it, but it's ours.

DAVID KANDESTIN

A TRANSFER STUDENT'S MANIFESTO

I remember it well, but not as if it was yesterday. Just one of those flashbulbs that sticks in your mind. I was working in Calgary for the summer. A friend of a friend of a friend got me the job in this tiny law firm with a big conference room. I was checking Minerva, again. The word had changed to Accepted. I sprung out of my chair and did a little dance, during which the office manager approached my desk to see what was going on. I didn't see her coming, definitely not during the 360 degree spin in my office chair. I elbowed her high in the cheek – the kind of hit that brings on a 3 game suspension. I broke the arm off of her red glasses, the ones she wears on Wednesdays. It wasn't pretty.

But I was in. I was transferring to McGill Law for my second year. I would be leaving the University of Montreal behind.

Not that UdeM is a bad school. It's a good school. But we weren't a match. I wanted something different.

Two years later, it's over. I'll be graduating in few months. I want to briefly share my experience. Call it a transfer student's manifesto.

- 1) Both schools are extremely challenging, in extremely different ways. UdeM exams are giant, endless logic bombs. You open the booklet and you go. You have your code, and you must cobble the articles together, quickly and seamlessly. There is always an answer, one answer, waiting for you at the end of each discrete, French, fact pattern. I won't waste my time explaining how McGill exams are, more often than not, the exact opposite of this.
- 2) Transferring makes you biased. I imagine transfer students from Common Law schools don't quite dig the Code. I like the Code. The Code was my friend. It made me assume that all the Common Law rules were mere synonyms of my nicely organized, crisp codal provisions. They're not, but I didn't quite pick up on that in class.

Every time I talk to profs and students about the difference between, say, torts and extra contractual obligations, I think there are no differences. (And I'm still sure there aren't.)

- 3) Transferring messes with your schedule. The SAO didn't quite know how to handle me. Prerequisites? What prerequisites? I took Intellectual Property before Common Law Property. I took Remedies before Advanced Common Law Obligations. I had to take Civil Law Property again. That's 9 credits of Civil Law Property. (But no first year Legal Meth memo for me, so I guess we're even.)
- 4) Transferring makes everybody in your year convinced that you don't even go here.
- 5) Transferring makes everybody in the classes that you have to redo (merci transsystemia) very confused. How does this guy know all the contracts Civil Code articles? And at the same time, why is this guy, who people really tell me is a 2L, redoing his contracts class? If he failed last year and is redoing it, how does he know all of these articles? And so on.

Despite my petty grievances, I feel privileged to have gone to school with people with such diverse backgrounds, career aspirations, and points of view – something that UdeM, with a heavier straight-out-of-CEGEP enrollment, does not have.

If I had the chance, would I transfer to McGill all over again? Yes, but with a few changes. For starters, I'd have gone to first-year orientation (see point 5 above).

But the switch was more than worth it. I loved my time here, and consider myself extremely lucky to emerge from law school as this unique hybrid poster-child of transsystemia – I know the Code, and I can tell you how it makes me *feel*.

Law III

MEGAN LEE & LÉA PRÉ-FONTAINE

INITIATIVE DE MÉDIATION COMMUNAUTAIRE

Interested in developing negotiation and mediation skills? Interested in having a real impact in the lives of at-risk young adults? Over the past year, we've been developing an exciting new project that might be up your alley!

Tout a commencé dans un séminaire sur la négociation et la médiation de Madame la juge Louise Otis en mai 2011 – un séminaire passionnant et pratique, que nous vous recommandons d'ailleurs très fortement de suivre cet été, si vous le pouvez. Avec le soutien de Madame la juge Otis, nous avons lancé un projet pilote de médiation communautaire, dans le but de partager nos compétences avec une clientèle ciblée. Quelques mois ont passé, et nous offrons présentement des ateliers de gestion de conflits et des services de médiation dans deux organismes : Déclic, qui aide des jeunes de 16-24 ans, aux prises avec diverses difficultés, à retourner à l'école afin de compléter leur secondaire et de rehausser ainsi leurs perspectives d'avenir, et le Centre Marie-Médiatrice, une école d'éducation aux adultes avec laquelle Déclic collabore.

Conflict-management workshops teach basic negotiation and communication techniques through interactive exercises, and introduce young adults to different modes of conflict resolution. In our workshops, we draw on the collaborative techniques developed by the Harvard Mediation Project, and taught by professors at McGill.

We also offer voluntary **mediation services** to students dealing with an interpersonal conflict. The two student co-mediators will help the parties identify the real issues and interests at stake, manage the emotions that arise during the mediation session, and help guide the parties towards a less confrontational, more collaborative approach.

Why get involved?

On a practical level, this project offers students a unique opportunity to develop important skills that almost all of us will need as lawyers. Being able to identify interests, influence the dynamics of a negotiation, generate creative solutions, and manage emotionally-

charged situations are all fundamental skills for being an effective negotiator, litigator or public-interest lawyer alike.

"Co-mediating a conflict gave me an incredible opportunity to practice on-the-spot fact-finding, conflict-analysis, and creative problem-solving – all while staying in control of a difficult and sensitive situation. Leading the conflict-resolution workshops has made me a more effective communicator, and given me a much more profound and concrete understanding of how to break down conflicts, analytically, in order to resolve them. I have learned so much from going into classrooms and talking about conflict management; the students come from incredibly diverse backgrounds, and given me new ways to think about how people communicate, and how people experience conflict in their lives." – Megan Lee

Community mediation is also a tremendously effective way to empower at-risk youth, and bridge the gap between law school and the community. Mediation, as a process, positions the parties at the center of the dispute-resolution process, rather than relying on judges, lawyers, and legal institutions. If we understand "access to justice" as meaning not only access to courts but access to dispute resolution mechanisms that give a voice and a place to marginalized persons in society. Community mediation is in this sense a direct and concrete way to promote access to justice. By getting involved in this project, you can contribute to advancing a vision of justice that involves not only confrontation (which is often costly), but dialogue and prevention.

How to get involved?

Nous continuerons le projet pilote jusqu'en juin avec les bénévoles disponibles. Nous sommes également en train de planifier les activités de l'année prochaine. Si vous êtes intéressés par ce projet, il vous est donc possible de vous joindre à nous immédiatement – voir notre adresse courriel ci-dessous pour plus d'informations.

Next year, we wish to continue the project and to extend it to include an Anglophone partner organization. As you are planning your schedule and activities for next year, we encourage you to consider this project.

Those who are enrolled in the summer mediation seminar with Justice Louise Otis will be trained to act as mediators – and for those who cannot take the seminar, we are also planning to offer an intensive two-day training in mediation and negotiation, tentatively scheduled for the third weekend of September 2012. Watch for our announcements at the beginning of the Fall term!

If you have any questions or are interested in getting involved, please e-mail us at <u>mediation.communautaire@gmail.com</u>.

Remerciements

Nous voulons souligner le travail de Ana Poienaru, la troisième coordinatrice du projet, ainsi que tous les autres membres de notre équipe qui ont participé au projet jusqu'à maintenant. Nous remercions tout spécialement notre professeure l'Honorable Louise Otis, sans qui le projet ne serait pas possible, ainsi que nos organismes collaborateurs, Déclic et le Centre Marie-Médiatrice.

VP Internal



ONE YEAR HAS PASSED AT AVVOCATO

Cette année, je me suis vue confiée l'enrichissante et parfois difficile tâche d'être votre représentante "négociatrice/médiatrice" face aux délégués d'Aramark. Alors que l'année se termine, je tenais à souligner quelques points importants.

Prices

The most contentious issue I had to deal with this year was, without any surprise, prices. I know, this was and remains students' main concern. Sadly, I was unable to make Aramark's representatives budge in a substantive way on that. And believe me, I tried. I tried to get you combos with the beverage included (that's what I was most asked for), but the proposition was lost in the infinite hierarchy of decision making at Aramark and McGill Dinning Services. I must say that the saddest part is that I received a really enthusiastic reaction, but the idea never saw the light.

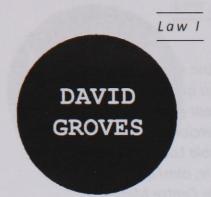
However, pop prices were reduced over the year. Daily specials were introduced. That might seem small, but considering that it was the first year there really was regular communications between the LSA and Aramark, I consider this as a success. I truly believe that changes are possible, if we keep on going this way.

Il suffit de demander

Toutefois, je tiens vraiment à souligner qu'au-delà des prix, beaucoup d'autres petites choses ont changé à votre cafeteria *Avvo-* cato. Il est impossible pour moi d'énumérer l'ensemble d'éléments qui font qu'Avvocato répond mieux à vos attentes — produits sans gluten, plus grande variété, café équitable, service à la clientèle. Néanmoins, il m'est possible de résumer ces "petites choses" à ceci : Il suffit de demander. Scott et son équipe, qui n'ont rien à voir avec les prix je le rappelle, seront toujours heureux de vous rendre heureux. Vous avez un "craving" pour du pudding au riz? Demandez-le, il y sera 4 jours plus tard et y demeurera juste pour vous. Vous désirez telle sorte de jus? Demandez-le. Vous voulez un peu de poulet dans vos pâtes? Demandez-le. C'est aussi simple que ça.

La suite

- The BBQ should be coming back for the month of April, right in time for exams
- Since the prices of the Starbucks coffee and the ECO-coffee is different, please make sure to use the right cup for the right coffee!
- If you need a break during exam studying, please go fill out the online survey on the website of the LSA. This will help guide next year's negotiations with Aramark by focusing on your key concerns.
- The exam period schedule will be out after Easter, check it out!



THE OPTIMIST

ON DISTRACTIONS

over the last year of law school, it's that I'm not a very focused person. There are people in the world that can get up in the morning, think about one thing, and clutch that thing like a bird's egg, keeping it safe and warm until it hatches. If that thing is study, they study. If that thing is a job, they get hired. Law school, with all of its countervailing pressures and responsibilities and demands on your attention, is perfect for these people. But if you aren't very focused, it's a lot trickier.

There's just not a lot of sympathy out there for the scatter-brain. We love stories about determined visionaries, striking out with a bold new idea, but we all know the cautionary tale of the lazy daydreamer - an idea is nothing without persistence behind it. We admire the single-minded focus of the ant, preparing all year for the coming winter, and we think smug thoughts about the grasshopper, freezing to death because of his frivolity. Life in law school imparts a similarly ruthless lesson: if you are not on task right now, someone else is. So why aren't you?

This message – focus or else – is extremely draining for those of us who, well, just can't. Some people have minds like a bird of prey: look-formouse-find-mouse-eat-mouse. Other people have minds like a Labrador retriever: look-for-cat-bark-at-cat-smell-something-wag-tail-eat-cat's-food. Birds of prey are the presidents and CEOs and rogue billionaires of the world. They have big, important ac-

complishments because they are capable, at all times, of keeping big important things in their focus. Labradors never focus. The world is a constant stream of distracting stimuli (Youtube videos, frisbees, Magic Eye pictures). You may be struggling to finish an assignment, focusing as much as you can, and then someone throws a stick... and you're gone.

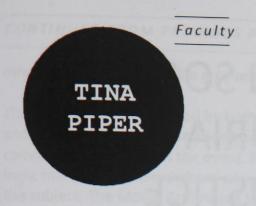
Coping with a low threshold for distraction in law school can be a real problem. I doodle while I'm reading, doodle while I'm listening to lectures, doodle while I'm doodling. I estimate that for every hour of work a focused person might do, I need an hour and half — an hour to work, and a half hour to play minesweeper. Last week, I left McGill determined to finish a takehome exam, only to spend the whole night rewriting the lyrics of old Will Smith songs with my roommate (for this, I have no good explanation).

But while I may be an extreme example, I don't think I'm alone in my plight. I've been in the library enough to know that people spend most of their time there on Facebook, scrolling through baby pictures and writing status updates about how hard they're working. In fact, I've come to believe, over the last year, that the "singleminded" bird of prey is almost more legend than reality. They exist, of course, and they still terrify me, but the vast majority of humans on this planet, and in this law faculty, are doing or thinking about something while they're doing or thinking about something entirely different.

It's really important to recognize that almost everyone wastes more time than they'd like to, no matter how it looks. Because as it stands, we're trapped in a vicious cycle. People look around the faculty, assume they are the only one not focusing on work enough, panic, decide to pull an allnighter, and blow most of it on Words with Friends. Then when they come to school the next day, haggard from lost sleep, other people see them, think to themselves that they are not focusing on work enough, and pull an allnighter of their own. And on and on it goes until we are all delirious from lack of sleep, getting just as much work done as we would have anyway.

And once you realise how universal the impulse for diversion is, you realise how beneficial distractions can be. We're apes: we were never meant to sit in front of computers all day, dully scrolling through megabytes of nonsense. We need breaks to keep us going. More importantly, being distracted may be a suggestion that you are over-investing your time in something that doesn't need it. If you start studying for a test three weeks before the day, and spend the majority of your time playing Bejeweled on your iPhone, it might be a subtle hint from your brain not to worry so much about it.

So as the days get longer and sunnier, don't beat yourself up for staring out the window, wishing you were playing hacky-sack. Just go out and do it.



REPORT FROM THE FACULTY WORKING GROUP ON TEACHING AND LEARNING

See http://www.mcgill.ca/law-teaching/ & http://www.mcgill.ca/tls/

Your professors, with the help of some fellow students, have been busy this past year reflecting on their role in teaching and promoting learning as part of the Faculty's Law Teaching Network. This network was set up as a partnership between the Faculty of Law and Teaching and Learning Services (TLS) with a three-year grant of funding from the Provost Tony Masi, and we're just finishing the second year of the project. Small groups of professors have been working in Faculty Learning Communities on various aspects of teaching like the relationship between their teaching and their research and how to incorporate active learning in the classroom. Sessional and adjunct lecturers have enthusiastically participated in workshops on course design and how to administer efficient and effective assessment. A number of professors and student-initiated seminars have received funding from the Experiential Learning Fund, which was set up to distribute money from the Provost's original grant to grassroots initiatives at the faculty that promote experiential learning in courses. These activities have included guest speakers, field trips and collaborations with civil society organizations, as well as providing support for the costs of active learning exercises.

The Working Group has also been involved in a year-long process, since Winter 2011, of developing learning outcomes for the undergraduate law program. The outcomes are a working document that articulate a shared vision for how and what we teach in the undergraduate law program. They are included below. At the moment we are mapping our courses to the aspirations expressed in the learning outcomes. We're hoping to have the results of this process in late April and will use them to think about the curriculum.

If you have any thoughts and comments on any of the initiatives or the outcomes, we'd like to hear from you. You can email me, Prof. Tina Piper, at tina.piper@mcgill.ca.

UNDERGRADUATE PROGRAM OUT-COMES

We expect students graduating from our program to have the following attributes:

1. Well-Rounded Individuals

1.1 Students integrate their roles as persons, citizens, and professionals and understand their responsibilities in these roles.

2. Content Knowledge

- 2.1 Students have a broad intellectual and experiential foundation in law that allows them to act purposefully in the world.
- 2.2 Students know the intellectual and historical foundations of law and understand the importance of civil law, common law and aboriginal legal traditions in Canada and globally.
- 2.3 Students are able to see the relationship between law and other disciplines, and to draw on the discourse of such disciplines to reach a deeper understanding of normative phenomena.
- 2.4 Students have improved their reading, writing and speaking skills in English and French.

3. Professional Identity, Citizenship and Ethics

- 3.1. Students understand how their legal education may contribute to their understanding and capacity for positive action in various modes, sites and contexts.
- 3.2 Students are prepared to act in a professional and ethical manner and display a commitment to public service broadly understood.

- 3.3 Students are able to reflect upon the nature of their engagement in the law in light of their ideas about their own identity and their relationships to others.
- 3.4 Students are able to collaborate effectively with jurists, other members of the community and each other.

4. Research and Information-Gathering

- 4.1 Students have acquired the research skills necessary to find analysis, perspectives and critiques relevant to the task at hand.
- 4.2 Students can read and understand texts relevant to law and are also able to identify and address the limits of their understanding.

5. Legal Problem-Solving and Decision-Making

- 5.1 Students are motivated and able to identify different perspectives on a problem and to seek out legal and other information related to those perspectives.
- 5.2 Students can think critically and effectively employ practical reasoning to recognize and address legal problems.
- 5.3 Students are able to identify, synthesize and analyze relevant material.

6. Communication

- 6.1 Students possess the oral and written communication abilities necessary to present the results of their analysis and synthesis clearly.
- 6.2 Students can communicate in a manner appropriate to the purpose of the communication, the audience, and the context.

7. Lifelong Learning

7.1 Students are committed to lifelong learning and reflection with an open mind and academic spirit.

KE-JIA CHONG

MCGILL ARBITRATION SOCIETY: JURA NOVIT CURIA AND ARBITRAL JUSTICE

On the evening of Monday March 26 in the moot court, the McGill Arbitration Society hosted two international arbitrators at the event, "Jura Novit Curia and Arbitral Justice: The Controversy Surrounding an Arbitrator's Control Over Legal Issues".

The debate between Sophie Nappert, of Grey's Inn, London and Stephanie Cohen, formerly of White & Case, revolved around the powers of the arbitrator to go beyond party submissions. Moderated by Professor Frédéric Bachand, the arbitrators argued over various situational alterations to a fact pattern.

The debate boiled down to issues of procedural justice that are necessary in arbitration, such as the content of the duty of the tribunal to get the law right when the arbitrator has received a contractual mandate from the parties to resolve the dispute with limited bounds of evidence and submissions. Raising new legal issues that could help one side might bring up questions of neutrality — an arbitrator may be viewed as biased, and one of the parties may successfully challenge the award in a national court.

Some situations included issues such as whether the arbitrator could grant an award on specific performance when the claimant only asked for damages. Another was whether an arbitrator could base their decision on cases or doctrine that were not pleaded, or parts of a contract that were not pleaded.

When national court judges bring in new authority or new issues not discussed by parties in court in their final decision, parties often must absorb this frustration. However, in arbitration, where the parties are paying for their arbitrator and have given her a limited mandate to rule over their conflict, the realm of power is not so clear.

Ms. Cohen, arguing for the side favouring limiting arbitrators to the mandate, insisted a party must have the free-



dom to choose a remedy he or she wants. An arbitrator going beyond party submissions also strains that party's right to be heard. She also stressed arbitrators differed from national judges – they do not have the same resources and so should not be under the duty of being all-knowing of the law (*Jura novit curia*).

Ms. Nappert, who supported giving arbitrators more freedom, stressed that it was necessary for the arbitrator to get the law right. There is inherent integrity within the arbitral system that needs to be upheld, even if it means going beyond party submissions.

The Honourable Joseph R. Nuss, from the sponsor Woods LLP attended and was able to give input on the national court viewpoint. He indicated that some issues regarding the right to be heard might be still brought up in national courts where a party would raise a motion for a re-hearing.

The debate gave rise to some concrete answers. When issues of public policy arise, the arbitrator may need to bring in content that the parties have not submitted. The arbitrator generally needs to invite a response from both parties on a material topic that is missed, whenever possible, to protect each party's right to be heard. Most

CONTINUED FROM PREVIOUS PAGE

other answers remain in the grey area for now.

The event was well attended by both practitioners and students and with many audience members commenting throughout the event. Not surprisingly, many audience members were divided on the subject. The McGill Arbitration Society looks forward to hosting more discussions on controversial topics in the area of private justice.

This event was made possible by the LSA, Woods LLP and the Private Justice and Rule of Law research team.



JUSTICE FRAMED: JURISPRUDENTIAL COMIC CONTEST

Calling all comic artists! Law Text Culture — a transcontinental critical and creative legal journal based out of the Legal Intersections Research Centre at the University of Wollongong (New South Wales, Australia) — is searching for comic submissions and is launching a contest to find them. The contest is open to all artists who create original strips or panels. We are looking for either a single panel cartoon or a multi-panel comic (about a page or two) that addresses justice or law with depth, beauty and wit. The work can be humorous or serious, coloured or black and white, simple squiggles or high-tech computer art. If selected, your comic will be published in a widely recognized, international legal journal and you will be paid \$500 CAD!

The fine print: the entrants will be giving *LTC* the rights to print and distribute their comic in its upcoming Volume 16 in December (a special issue about the nexus between justice, law and comics), but the entrant will still retain all rights to their work. In other words, we publish your comic, but afterwards you are free to further use and distribute your comic as you see fit.

Artists should send us five copies of their original strip or panel, under a pseudonym before **May 31, 2012**, by mail to the following address:

Luis Gomez Romero
Institute for the Public Life of Arts and Ideas (IPLAI)
McGill University
3610 McTavish, Room 22-4
Montreal, Quebec
H3A 1Y2

Please enclose the following information: name, address, telephone number and email address. Just make sure your name does not appear on the comic itself! They will be blinded for the judgment session.

We seriously encourage you to have a look at the detailed rules and regulations of the contest at the *Law Text Culture's* website before submitting your work:

http://www.uow.edu.au/law/LIRC/LTC/index.html.

Please address any enquiries to: comicsandlaw@gmail.com.

STUDENT
MEMBERS OF
THE FACULTY
COUNCIL

FACULTY COUNCIL END OF YEAR REPORT

Ce fut une année mouvementée sur le campus et en politique étudiante autant à McGill qu'à travers le Québec. En tant que membres du Conseil de la Faculté et du Conseil de l'AÉD, nous avons eu l'immense privilège de participer à plusieurs discussions importantes aux yeux des étudiants et de la faculté et nous avons travaillé à rendre ces conversations accessibles à tous. Voici un bref récapitulatif de certains débats proéminents ayant eu lieu en 2011-2012 :

- •Curriculum changes have occurred this year that will affect those graduating in and after 2015! A Faculty Councillor sat on Curriculum Committee and participated in the discussion regarding the changes necessary for the faculty to maintain its accreditation. For upper years, these changes are very unlikely to affect you, but a reminder to L1s: you'll need to take Business Associations and a course from the Administrative Law basket to graduate!
- •La grève de MUNACA et la grève étudiante contre la hausse des frais de scolarité ont fait l'objet de discussions approfondies au Conseil de la Faculté, ainsi qu'à l'AÉD. Ces sujets étant importants et particulièrement controversés, il était pertinent que des représentants apportent une perspective estudiantine.
- •Faculty Councillors were also heard on the JD v LLB issue. As 70% of voting students expressed support for continued advocacy on the issue through the last referendum, these issues will continue to be debated and faculty council will be an important place for the student voice to be heard.

- •Cette année, nous avons informé la faculté du problème de la différence entre la charge de travail par rapport au nombre de crédits pour certains cours à la faculté (ex. certains séminaires valant deux crédits requièrent autant de travail que des cours de trois crédits, et des concours de plaidoirie et stages de recherche requièrent plus de travail que certains cours de quatre crédits.)
- •Additionally, with the completion of the McGill fundraising drive and the significant donation of Davies to legal clinic opportunities in the faculty, Faculty Councillors had the opportunity to express student awareness of how donations and sponsorship may affect the nature of our legal education and the faculty environment in general.
- •En dernier lieu, rester à l'affut l'an prochain alors que de nouvelles opportunités de stages s'ouvriront probablement aux étudiants n'étant pas inscrit à une majeure. Il sera peut-être possible de faire des stages pour des crédits dans le département juridique de compagnies et d'organismes comme Tim Hortons, la Banque Mondiale, etc.

In conclusion, if deliberation, decision-making bodies, and free food are your thing, consider running for the position of Faculty Council Representative in September. It's a great way to get involved, meet fellow students and professors, and leave your mark on the Faculty of Law. Thank you for the opportunity to leave our mark this year!

By Eden Alexander, Pascale April, Eric Brousseau and Michael Shortt 4L Presidents

ALEXANDRA MEUNIER & MARIE-ANDRÉE PLANTE

4L PRESIDENTS REPORT

Bonjour à tous,

Firstly, let us start by saying that it was a pleasure for us to serve as 4L Presidents this year. We love organizing events and... organizing events it was, to say the least! Here is a review of what we had the pleasure to do for you this year.

D'abord, nous avons assisté à toutes les réunions de l'Association des étudiants en droit et avons tenté de représenter vos intérêts au meilleur de nos capacités. L'année s'est avérée remplie d'évènements importants : grève de MUNACA, débat J.D./LL.B., hausse des frais de scolarité, pour ne nommer que ceux-ci!

Nous avons aussi coordonné la prise de photos de finissants. Vous pourrez admirer cette belle mosaïque de finissants lors de la collation des grades, qui se tiendra le 8 juin prochain. Par la suite, la mosaïque se retrouvera dans la Faculté, comme le veut la tradition.

Ensuite, nous avons également organisé le 25 novembre dernier un « Pre-Xmas Suit Up Party », où plusieurs ont eu l'occasion de boire et de manger en bonne compagnie. Cet évènement s'est avéré un grand succès.

Le point culminant de notre travail est sans aucun doute l'organisation du Bal des finissants, qui se tiendra le vendredi 4 mai prochain au restaurant Altitude 737. Les billets sont présentement en vente au coût de 55\$ auprès de vos présidentes de classe, ou sur le site web de l'AÉD. Notez qu'ils seront au coût de 65\$ le jour même, donc n'attendez pas trop!

Finally, we decided that the class gift should go towards the Alexandra Dodger Award. Alexandra was a friend to a lot of us and an inspiration for many. We feel it is right to honour the great person she was by helping others who will share her free spirit and desire for improvement in society. We will start a funding campaign next week which will culminate by the possibility to donate during the Ball.

As a final note, we would like to congratulate Mr. Ryan Gallant for his election as class Valedictorian. We are persuaded he will honour the intelligence, ingenuity and sense of humour of our class.

Alexandra et Marie-Andrée

BILL SHIPLEY

CLARIFICATION

I wanted to note that the original version of my two-part article published in the previous Quid Novi was originally written last year, and was not meant to impugn the work of the CDO during the difficult period of the strike and later this year. I think we are moving in the right direction and that the CDO is doing a much better job now than was the case in past years, but in the event that this wasn't apparent I wanted to offer this clarification. My thoughts were meant for those of us who are graduating, the Faculty of Law as a whole, and the larger McGill University and legal community to consider how we can contribute to lessening

the difficulties of career development for those seeking careers in public service. For those of you who would like an immediate suggestion, the most appropriate one I can think of is to join me in donating to the Alex Dodger Memorial Fund, to fund an award to be granted to an entering student at the Law Faculty who is in financial need and who has demonstrated a commitment to achieving social justice through fighting for those who are most disadvantaged. The instructions for donating can be found here: http://alexdodgerbursary.webstarts.com/index.html.



STUDENT ANIMAL LEGAL DEFENCE FUND HEARTS DDF

Oh, hey, Dean's Discretionary Fund – I didn't see you there. Okay, fine, you got me – I totally saw you there. In fact I've been noticing you around here for some time.

Truth is you first caught my eye when I found out that I could apply to you so that our club could realize a pressing and important goal.

You see – oh, well, you know this already – we wanted to bring Rebeka Breder, a Vancouver lawyer, to the Faculty to speak about how she has integrated animal law into her private practice. What SALDF member wouldn't want to attend this talk? It was a perfect plan. But – alas! - our fundraising profits and existing club

funds were not sufficient to bring our speaker to Mon-

treal. Why must animal law practitioners live so far away? Sigh.

I felt so alone, like there was no one in the world who

could help me or who could understand what I wanted. And then there you were – accepting applications to yourself, and then processing our application and deciding to give us the remaining funds we needed to help us reach our goal.

The talk was marvelous, magical even. But there was something missing: you.

Dean's Discretionary Fund: you're giving, understanding and timely. You're everything a club looks for in a discretionary fund.

Dean's Discretionary Fund ... I love you.



SALDF

Law III

BILL
SHIPLEY

ON COURAGE AND HUMAN AGENCY IN RESPONSE TO GENOCIDE

Wednesday was the launch for Professor Akhavan upcoming book, "Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime" (http://www.cambridge.org/gb/knowledge/isbn/printView/item6595983/?site_locale=en_GB).

From what I understand from Professor Akhavan's description, one of the themes of the book is bridging the gap between the legal and diplomatic conceptions of the world's worst violation of human rights, and the human reality the underlies it and those who respond to its aftermath. We can study the former - how international legal frameworks are essential for ensuring justice and ending impunity for the perpetrators of the world's worst human rights abuses. However, in terms of what is most efficacious in preventing human rights abuses, I would suggest it's the latter - the actions of individual human beings in the midst of the worst circumstances known to man that bear just as much importance, if not greater importance, as objects of study and mutual consideration. It is a curious irony that often when we see the worst forms of tragedy, death, and mass destruction, we also simultaneously bear witness to the most inspiring, courageous, and selfless acts of humanity. These bear closest resemblance to the actions of those who struggled to realize the promise that a truly universal system of human rights and freedoms held out, even before it was formally recognized by any government or institution of law.

While individual rights and liberties are today enshrined in constitutions both written and unwritten, as well as international conventions, it is important to re-

member that the concepts of the inherent dignity of the human individual as a rational being worthy of basic protections did not emerge from a vacuum. As you probably know, many of the basic human rights, and the concepts of justice that they embody, arose primarily from Enlightenment concepts of the inherent dignity of human beings endowed with rational thought and their concomitant rights to physical integrity and freedom of conscience. These concepts only gained protection as the basis for systems of democratic governance after reaching a critical mass of recognition and acceptance sufficiently broad for them to become both relevant and sustainable. Their advocates were often in opposition to previous social orders and normative frameworks, and had to overcome the active hostility of governments and social forces opposed to such changes. At numerous points both known and unknown to history, the decisions of those individuals who defied what they perceived to be an unjust order, to advocate for the realization of higher ideals in the face of that hostility, and at great personal risk to themselves, can no doubt be considered heroic.

Perhaps less well known are the examples of those who took such a stand and failed; where the light of human reason was extinguished; where fear, weakness, political expediency or social conformity undermined the efforts of those who struggled to realize their vision of a more just humanity; or where we collectively turned a blind eye to the worst violations of human dignity. We are liable to marvel, as Hanah Arendt did, at the "banality of evil," and the conditions under which seemingly moral, normal individuals can bring them-

selves to abdicate their individual sense of morality to become willing participants in mass murder.

I encourage us to reflect on the duality between the manifestations of the worst forms of evil in our societies and the courage of those who advocate for positive change in face of that evil. Just as we must discover what circumstances lead to human rights abuses - so as to avoid them and plan against them – so too must we learn what circumstances lend themselves to courageous, even heroic action in the face of those abuses - so as to encourage them, nurture them, and replicate them. I can speak from experience that challenging disenfranchised individuals to recognize the nascent leadership potential that they have in despite of their social status and the beliefs that they carry about themselves as a result is extremely difficult. Those who can rise above their circumstances, take courageous stands in the face of oppression, and achieve victories through their own leadership and the support of their communities that they did not believe possible are incredibly inspiring.

I would argue that the interaction of this form of human agency with both cultures and institutional frameworks, be they governmental or non-governmental, has the greatest impact on whether victories in the battle for human rights are won or lost. Indeed, it is such agency that arguably established the modern notion of individual human rights in the first place. At the same time, it is only within the past decade that empirical research on the area of what circumstances lead individuals to take heroic action is beginning to catch up to the extensive research into

what lends an individual to become a willing functionary of oppression. One of the primary researchers of the latter, Phillip Zimbardo, has led the way in new forms of research into the former - the study of heroic behavior. Zimbardo, a Stanford behavioral psychologist, is probably most well-known as the architect of the "Stanford Prison experiment", wherein students designated randomly as prisoners or guards quickly manifested behavior that one would not think them capable of, wherein "prisoners" suffered from, and willingly accepted, sadistic and humiliating treatment by their fellow students, the "guards."

The abuse was so bad that the experiment was called off after only six days (it had been scheduled to take place over fourteen). Many of the behaviors Zimbardo witnessed among his students were similar to those of the prison guards at Abu Ghraib. Despite subsequent criticism that it was unethical and unscientific, it remains one of the strongest sources of evidence for the contention that, given the right circumstances, any one of us is capable of, at the very least, a measurable amount of sadistic brutality.

But what are those circumstances that allow us to stand up to such brutality? Often it is only one voice that is necessary. In the prison experiment, it was the objection of Zimbardo's future wife, a graduate student who came in to observe the experiment in progress. Of fifty outside observers, hers was the only voice to question the morality of what was going on - everyone else, including the prisoners, was satisfied to let the experiment continue, presumably in the name of science. It was the human relationship, divorced from the institutional framework of the experiment that was until then continued in the name of science, that was necessary for those leading the experiment to be confronted with the true implications of what they were doing.

Zimbardo is now turning his attention away from what engenders human cruelty to what exactly leads one to act heroically in the face of immorality – what situations and attributes lead one to take a heroic stand. This research tends to suggest that the reverse of the prison experiment is also true – that individuals can be conditioned to develop pro-social, even heroic behavior, in response to crises. To view "Fostering the Heroic Imagination: An Ancient Ideal and a Modern Vision," the report on heroic action by Kathy Blau with her co-researchers Zimbardo and Zeno Franco, please view this document:

heroworkshop.files.wordpress.com/2009/ 03/13 3_blauarticle.pdf

They identify three attributes that define heroism: it must be voluntary, performed in service to others without expectation of extrinsic gain, and involving physical peril or profound social sacrifice. Whereas we most commonly associate heroism with the physical risk-taking in the face of emergency (running into a burning building to save a child, for example), the definition of the latter, as "sustained action devoted to a cause or to enact legislation in support of a moral imperative," applies much more broadly, even to those individuals who, like yourselves, are engaged in sustained action in support of a moral imperative. You might not conceive of these actions as heroic, but if we are going to create effective human rights regimes in the world, we must recognize that it is not institutions or systems of governance, but individual human beings, acting heroically, who have most advanced the cause of human rights, by challenging the status quo and calling their fellow human beings to a higher ideal of our treatment of one another.

Aside from the perpetrators of human rights abuses around the world, the corruption and dysfunction of democratic systems of governance (in both the developed and developing world), as well as our collective ignorance or passive indifference to the suffering of others, are perhaps greater threats to the realization of human rights on a global level. I would contend that those in the greatest positions of privilege in the world, on the whole, have not sufficiently awakened their own sense of agency in response to a moral imperative. I encourage us to reflect on the ways in which we can, then, through our own actions and experiences, help to create or reinforce that heroic agency, and enable the freedom of individuals everywhere to act on it.

A community and a culture of respect for human rights, combined with the sovereign freedom of people to act collectively and democratically, is the most effective way that human rights protections will become lasting, even self-enforcing. The lack of a humanistic culture that promotes action in response to threats to human dignity only increases the risk that gross abuses to human rights will occur. For those who seek to build that community, you join with the example of those who courageously advocated for their own rights, in the face of overwhelming hostility, before they were called human rights, before they were nothing more than an ideal. We may not know all of their names, but their voices and ideas remain with us in the embodiment and realization of principles they fought for. The advancement of these principles is the project we share in common with them. My sincerest congratulations go out to Professor Akhavan, those students in the Human Rights Working Group, and those working this summer in the International Human Rights Internship program as you advance this project forward.



THE WOMEN'S CAUCUS GOES TO OTTAWA: GRANDES AVENTURES DANS LA CAPITALE NATIONALE!

On Thursday, March 22nd, eleven intrepid McGill Law students headed to Ottawa to take in a Supreme Court hearing. They met with a legal advisor at the Parliamentary Research and Information Service and attend a reception hosted by the leading labor and employment law firm Sack Goldblatt Mitchell LLP.

The event was organized by the Women's Caucus and had something for everyone. Men included!

Les leçons de la journée avaient comme thème principal l'égalité et l'accommodement au travail et à l'école. Le cas de Frederick Moore, ayant atteint la Cour Suprême, se basait sur le propos qu'un enfant atteint d'un cas sévère de dyslexie avait le droit d'avoir une éducation dans le système public tout comme ses pairs en Colombie Britannique. L'argument tournait sur la question de si un tribunal administratif pouvait demander que la province dépense de l'argent pour soutenir un centre d'éducation spéciale. Il faut dire que c'était un vrai privilège de voir comment les juges, qu'on connait si bien à l'écrit, interagissent avec les avocats pour arriver à leurs propres conclusions. Le groupe d'avocats intervenants était composé de jeunes avocats ainsi que des vieux « sages. » Ça serait impossible de ne pas noter la solennité de l'occasion; toutefois, pour nous, étudiants en droit, on avait l'impression que c'était un spectacle où jouaient nos personnages préférés. C'est une expérience à ne pas manquer.

The day continued with a lunch with Me Dara Lithwick, a McGill graduate. After a stint as a litigator, Ms. Lithwick settled in as a Parliamentary Committee Clerk and a legal advisor with the Library of Parliament. We engaged in frank conversation ranging from public law, politics, to career advice. We were grateful for her good spirits and honesty, and intend to keep in touch.

Next, we were hosted by the lawyers at Sack Goldblatt Mitchell LLP. Lawyers here have dealt with labor, employment, and administrative law, and have a long history of representation or intervention at the Supreme Court: they worked in such cases as Vriend and Andrews. The conversation took two tracks. We spoke about cases on which they had worked, including several regarding pay equity, which led us to questions of accommodation in the workplace with respect to maternity leave and a work-life balance more generally. A few partners at the Ottawa office, many of whom are women, had experienced that struggle in the past and shared some good advice: don't be afraid to ask!

Bref, la journée a été un grand succès et nous espérons voir plus de monde l'année prochaine!

Thanks to the Dean for his generous support!

REMINDER: EXAM NUMBERS

The Law Exam number (4 digit, term specific) is now available on Minerva. It is displayed under the "Student Menu", click on "Registration Menu" and go to the "Check your Registration Eligibility and Verify your curriculum" page. The Law Exam# is listed on the left, just above "Earned Credit."

The Law Exam# for the current term will be displayed only (cannot view previous terms).

Due to this new functionality on Minerva, the SAO will no longer provide stickers.

The Law Exam # is for midterm exams of a substantial nature and final exams ONLY. It is NOT to be use on essays, papers or in-term assignments.

If for any reason a student does not see a Law Exam# on Minerva, please email info.law@mcgill.ca and include the McGill Student ID number.

Law II **JULIA** O'BYRNE, LAURE PRÉVOST & KIRBY LEIGH SMITH

THANKS TO THE DDF!

The Co-organizers of this semester's student initiated Sexual Assault Law Seminar would like to express their gratitude to the Dean's Discretionary Fund Committee for the funds we received. Without this generosity we would not have been able to welcome several speakers to our faculty and to thank them for their lively and invaluable contributions to our class. In particular, our DDF funds welcomed University of Ottawa professors Elizabeth Sheehy and Blair Crew: community activist Nora Butler Burke; Justice Marion Lane, formerly of the Ontario Court of Justice; and Crown Prosecutor Carolyne Paquin to our seminar.

We appreciate that these funds, as well as those provided by the LSA and the Experiential Learning Fund, allowed our class to benefit from our speakers' dynamism and insight. Thank you for helping us facilitate dialogue about sexual assault law at the Faculty.

Ce séminaire, mené par des étudiants, a eu pour effet non seulement de nous instruire en profondeur sur le droit pénal et civil en matière d'agression sexuelle, mais également de nous exposer aux techniques d'enseignement, de partage d'information et de débat rigoureux dans un environnement sain et sans jugement.

Nous remercions la Faculté de nous avoir permis de tenir ce séminaire, pour une deuxième année. Nous recommandons à tout étudiant de prendre un séminaire mené par des étudiants: il s'agit d'une expérience enrichissante à ne pas manguer sur votre parcours académique au sein de la Faculté!

Law II

TAHERI

Dégage son corps de tous écueils, Déshabille ses paupières de tout verdict. Nage dans sa profondeur d'océan.

Abandonne tes tulipes sur sa peau déflorée.

Ta caravelle et son navire s'entremêlent et se fondent aux creux de vos vagues. tempête de l'été

Cours de ta main la détresse de son être, Rafraîchis de ta langue cette pomme desséchée, À la recherche du soleil.

Pose l'été.

Promène l'animal dans les broussailles. Il marche, il court, il s'essouffle.

Marche, court, essouffle-toi, au milieu des broussailles, au plus ardent des broussailles, arrête, [contemple, écoute, au milieu

Pleus de toute force, orage d'été, pleus tout doucement, pleus. Avive de tes zéphyrs ses cryptes de la tendresse. La tendresse de l'été.



LIBRARY NEWS

Index to Foreign Legal Periodicals in Hein Online

As of now, Index to Foreign Legal Periodicals is available through Hein Online platform. The interface and search capabilities have improved, and the index can be browsed by subject and publication title. At the moment, we cannot make a direct link to this database in our subject guide, so to access Index to Foreign Legal Periodicals, click on the Hein Online link in the Law subject guide http://www.mcgill.ca/library/library-find-info/subjects/law/ under the heading Quick Links.

Canada Supreme Court Reports in Hein Online

Another new addition to the Hein online is the collection of Canada Supreme Court Reports, official bilingual series published under authority of the Supreme Court Act. This collection includes more than 9,400 cases which include background information, statutes and regulations, authors cited, analysis and the decision. At the moment, we cannot make a direct link to this collection in our subject guide, so to access Canada Supreme Court, click on the Hein Online link in the Law subject guide http://www.mcgill.ca/library/library-find-info/subjects/law/ under the heading Quick Links.

Thieves in the library

The exams time is approaching, so more and more students are spending most of their study time in the library. We would like to remind you that the Law Library is a public place where anybody can have access during daytime. Therefore, if your possessions are dear to you, please do not leave them unattended as they might seem appealing to somebody else.

Law Library Easter hours

Friday, April the 6th:
Study hours
Saturday, April the 7th:
Study hours
Study hours
Study hours
Services CLOSED
08:00 – 00:00

Sunday, April the 8th: Services 12:00 – 20:00

Study hours Opens at 08:00 (24 h. access)

Monday, April the 9th: Services 10:00 – 18:00

Study hours 18:00 – 00:00 (midnight)

For more information about our opening hours please check our website http://www.mcgill.ca/library/library-using/branches/law-library/

In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina, Liaison Librarian Nahum Gelber Law Library svetlana.kochkina@mcgill.ca

CALL FOR APPLICATIONS: VP ADMINISTRATION

Due to unforeseen circumstances, the LSA is calling for applications for the VP Administration position for the 2012-2013 academic year. A brief description of the position can be found on the LSA Website. Should you have any questions about what the position entails, do not hesitate to contact the current VP Administration, Caroline-Ariane Bernier, at vp-admin.lsa@mail.mcgill.ca.

Si vous êtes intéressés par le poste, veuillez envoyer votre curriculum vitae (CV) et une lettre de présentation (cover letter) à vp-admin.lsa@mail.mcgill.ca avant jeudi le 5 avril, 18h00. Les candidats seront conviés en entrevue, et le candidat sélectionné sera nommé par les exécutants sortant.

OVERHEARD AT THE FAC

2L: If I am always a leftist on vote compass why do I feel like such a right wing fascist at McGill Law?

2L: I was thinking the same. I'm glad it reassured me that I'm still on the left in real life.

1L: Sentences I would love to see in a Foundations essay:

"The Hart-Fuller debate is a perfect example of Godwin's Law."

"Place a check mark here if you've read this far."

2L: I feel like we're in Legally Blonde right now... except *funner*!

3L: What's going to happen with the J.D., now that we've voted for it?

3L: We'll probably vote again next year.

[It's funny because it's true —Ed.]

Me Grossman: Justice Binnie says you can only have one bite of the cherry... Which reminds of this date I went on with this girl who took two bites of the kernel of the popcorn at the movies.

Guest Speaker in IP: There are two ways to do anything in a bureaucreacy: ask for permission or ask for forgiveness.

Prof. L. Smith (talking about when the course evaluations switched to online format): The participation plummeted like a paralyzed falcon, to something like 3%.

Guest Speaker in IP: Forget about the Americans, their Constitution is too clear. Ours is beautifully vague.

Guest Speaker in IP: In a university everyone is involved and no one is responsible. MLJ Editor: Oui, j'ai une question métaphysique. J'y pense depuis hier soir, est-ce que je mets un c majuscule ou minuscule à « constitution » quand je parle de plusieurs constitutions? Le Multi-dictionnaire dit petit "c", mais le Larousse dit "c" majuscule... Oh la la!

Me Grossman: What is our favourite F-word of the afternoon...? Fairness!

Former Dean and current Court of Appeal Justice (with Prof. Leckey in the audience): I can't understand Bora Laskin on constitutional law. Professor Leckey, do you understand Bora Laskin on constitutional law? You understand everything.

THANKS FOR SUBMITTING!



(continued from page 3)

IF THERE WERE ONE MORE DAY IN A WEEK...

When I first read the Quid as a 1L, I had a thousand ideas to make it better. When I started as Co-Editor in Chief, I realized why those ideas had yet to be implemented. Running the Quid is a lot of work, and there is only so much time in the week for readings, a job, the remains of my former social life and watching that one really cheesy movie once in a while.

If I had one more day in the week, here's what I would do:

- Make our publishing workflow more reliable and efficient.
- Eradicate all embarrassing typos.
- Get a Mac, transfer our template to Pages and get rid of a computer that crashes when you import PDFs.
- Redesign our website so that it doesn't look like it's from 1998 this is a summer project!
- [Insert your suggestion here or rather send it to quid.law@mcgill.ca]

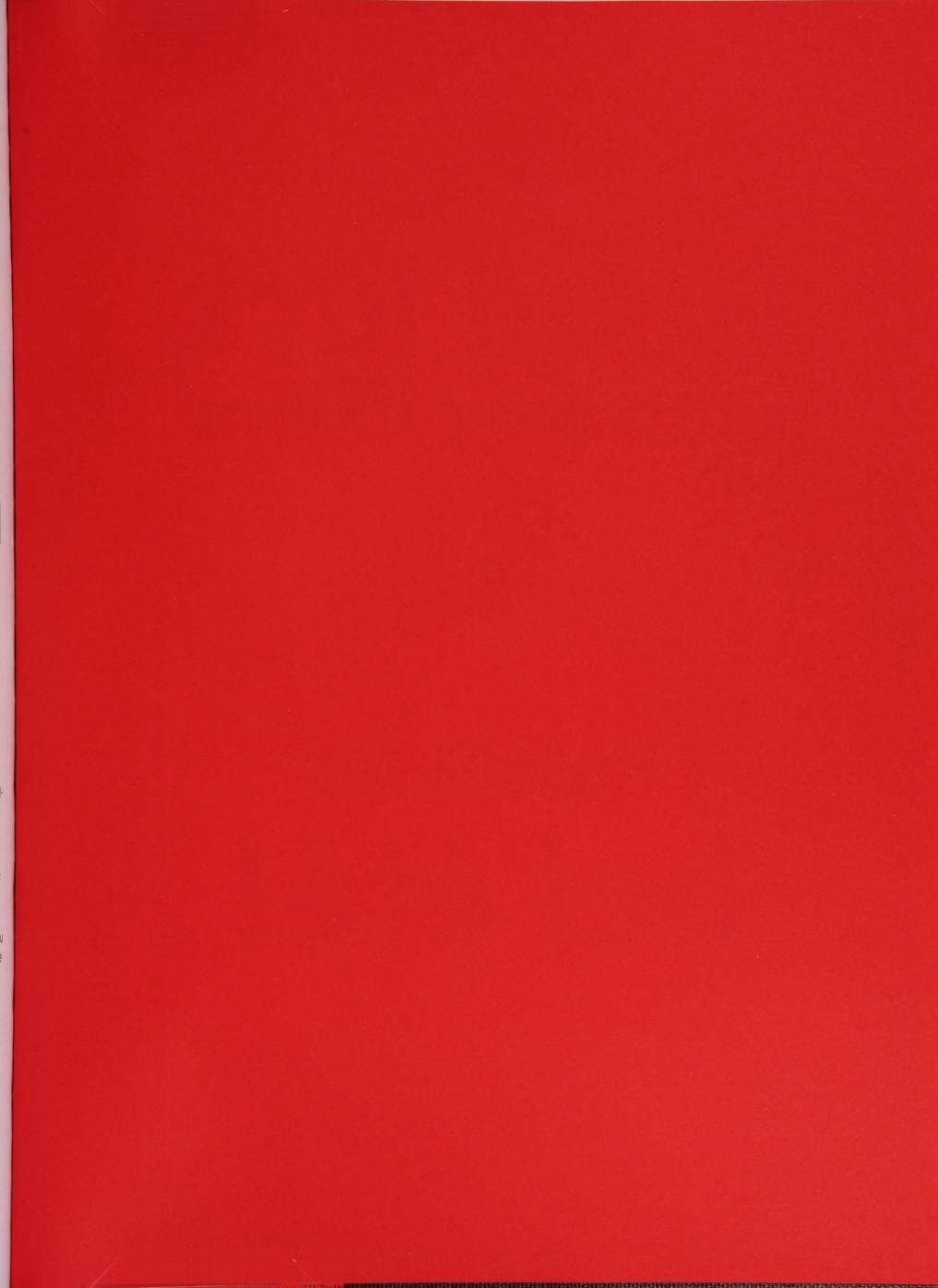
THE FUTURE

Speaking of future projects, I have an announcement to make. We, the current Editors in Chief, will be handing over the reigns to a new team early next year. It's been a wild ride, but new challenges await us — clerkships, exchanges, new projects. Knowing we won't be able to fully dedicate ourselves to the Quid, we've decided it was best we offer the position to a team that will.

We'll call for applications next September, recruit a new team of Editors in Chief by the end of that month and train them during October. Interested? Send us an email today at quid.law@mcgill.ca to express your interest and we'll remind you to apply when the time comes. Know someone who would make a kick-ass Co-Editor in Chief? Encourage them to apply!

For all the blood, sweat and tears, it has been a real privilege being your Quid Novi Editors in Chief this year. Nothing beats a sea of red covers scattered around the Faculty on Tuesdays. We hope you enjoyed the Quid as much as we enjoyed publishing it for you.

Have the best summer of your life and we'll see you in September 2012.



Good luck with your exams

&

Passez un bel été!